



United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan B. Gottschall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 1050	DATE	7/14/2008
CASE TITLE	John Doe vs. Jason Fortuny		

DOCKET ENTRY TEXT

The court directs the Clerk to file defendant's letter and docket it as a motion to dismiss. Plaintiff shall respond by August 11, 2008 and defendant shall reply by September 1, 2008. The Clerk shall mail a copy of this order to Jason Fortuny at 320 10th Street, Apt. 1, Kirkland, WA 98033.

☐ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Jason Fortuny ("Fortuny") sent a letter to the court, and also to counsel for the plaintiff, explaining his position in regard to this case. The court cannot entertain letters. All communication with the court must be by motion or formal pleading, properly filed and served. Although Fortuny states that he does not have the resources for legal proceedings in another state or for a lawyer, that is not a valid basis upon which to seek dismissal of the case. However, the court construes the letter as a motion to dismiss for lack of jurisdiction pursuant to Rule 12(b)(2) and a motion to dismiss pursuant to Rule 12(b)(6) and directs the plaintiff to respond accordingly. The Clerk shall file the letter in the court's electronic docket as a motion.

The court recommends that Fortuny file a *pro se* appearance form with the Clerk. If he does not, he will not receive notice of documents filed in the case or upcoming court dates. He can obtain the necessary information about filing an appearance from the Clerk of the Court or from the *pro se* help desk. In the interim, the Clerk is directed to mail a copy of this order to Fortuny at 320 10th Street, Apt. 1, Kirkland, WA 98033.

Courtroom Deputy
Initials:

DAM/RJ